

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KHANH LE,

Plaintiff,

v.

FIREMANS FUND INSURANCE
COMPANY,

Defendant.

CASE NO. C13-376RAJ

ORDER

Today, the court received a motion for temporary restraining order and preliminary injunction. Dkt. # 9. Plaintiff, proceeding *pro se*, filed an amended complaint on March 5, 2013. Dkt. # 6. So far as the record reveals, Plaintiff has not served his complaint on, or given informal notice of the complaint, to Defendant.

The court's local rules explain the procedure for filing a motion for a temporary restraining order. Local Rules W.D. Wash. LCR 65(b). Plaintiff has not complied with these procedures. He has not, for example, served the opposing party before or contemporaneously with filing the motion, or included a certificate of service or defendant's contact information.

The court denies the request for a temporary restraining order for the following reasons. First, Plaintiff has not attempted to satisfy the standards of Federal Rule of Civil Procedure 65(b), which explains what a movant must do to obtain a temporary restraining

1 order without giving notice to the opposing party or parties. Second, Plaintiff has not
2 included anything in his complaint that explains why the court should act immediately,
3 before Defendant receives notice of this suit. Third, and most importantly, even if
4 Plaintiff had complied with procedural rules, and even if he had established a need for
5 immediate action from the court, there is nothing in his complaint that suggests that he is
6 likely to succeed on the merits of his suit. Indeed, it appears that this court lacks subject
7 matter jurisdiction over this case where he alleges “false arrest” and “production of
8 falsified documents in numerous courts” against the Fireman’s Fund Insurance Company,
9 a private entity.

10 The court cannot grant a temporary restraining order on this record. Plaintiff is
11 also ORDERED to SHOW CAUSE no later than May 2, 2013 why this case should not
12 be dismissed for lack of subject matter jurisdiction.

13
14 DATED this 5th day of April, 2013.

15
16 

17 The Honorable Richard A. Jones
18 United States District Judge
19
20
21
22
23
24
25
26
27
28